

Application No. 09/892,469  
Date November 25, 2003  
Reply to office action of January 15, 2003

7. (currently amended) A method as defined in claim 6, wherein the step of stabilizing said change in effective index of refraction is produced by annealing the optical waveguide material.

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**Remarks/Arguments**

Applicant gratefully acknowledges the thorough Examination to date and have made an effort to fully respond to all the issues raised by the Examiner. Applicants have taken care and believe that no new matter has been introduced by way of this amendment. Reconsideration of the application in view of the above amendments and following remarks is respectfully requested.

**In the Specification**

The Applicant has amended the description to correct errors and more clearly explain what sections. In paragraph [0002], the sentence starting with "component, such as..." was amended to insert the phrase, "An opto-electronic component". The acronym for a Fiber Bragg Gratings was defined as FBG in paragraph [0004] and the correct spelling correct the spelling of "forms" was provided in paragraph [0005]. The word "on" was deleted and the term "grating" was amended to read "gain flattening filter" in paragraph [00016]. The sentence was rearranged in paragraph [00019]. No new matter is included in the amendments.

**Rejection of Claims 1-7 under 35 USC 103**

The Examiner has rejected Claims 1 through 7 as being unpatentable over the Feng et al. reference, U.S.P.N. 6,453,095.

Prior to discussing the Feng et al. reference with respect to anticipation of Claims 1 through 7, the Applicant wishes to highlight the claim amendments made. The Applicant believes that the new Claim 1 more clearly defines the patentable subject matter of the present invention. Claim 1 has been amended by including the additional

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steps as described in the last two sentences of paragraph [00018]. The claim amendment adds the phrase "highly accurate" in line one, replaces the phrase "a suitable" in line 11 with the phrase "an approximate", deleting the word "required" in line 12, and providing a new clause at the end of the claim as follows:

"replacing said phase mask with a movable, adjustable slit to irradiate selected portions of said filter, for predetermined periods of time, while monitoring said filter response, comparing said filter response to a target response, and ceasing irradiation when said filter response is in agreement with said target response."

With respect to the examiner's rejection of Claims 1-7 as unpatentable over the Feng et al. reference, Feng et al. does not teach the method of claim 1 as amended the method of amended Claim 1. Feng et al. utilizes a control unit, such as a piezo-electric member, by attaching the unit to the fiber to change the length of the Bragg grating imprinted in the fiber. There is no teaching of the two step process of the invention of making an approximate Gain Flattening Filter (GFF), and then "trimming" it to the exact performance indicated by the target response. Furthermore, the use of a "moveable, adjustable slit" as in Claim 1, is neither shown nor suggested in the Feng et al. reference. Accordingly, the Applicant respectfully submits that the present invention as disclosed in claim 1 is not shown, nor fairly suggested, in the Feng et al. reference.

With respect to dependent Claims 2, 3, and 5 through 7, they each depend from a patentable base Claim 1. As the dependent claims include patentable subject matter, it follows that Claims 2, 3, and 5 through 7, are also patentable. The Applicant's amendment of Claim 7 provides a minor clarification of the interrelation of steps in the method

### Conclusion

Applicants respectfully submit that the outstanding rejections under 35 USC 112 have been overcome by the above amendment. Applicants have made an effort to substantially eliminate any unclear details within the claims and believe that no new matter has been entered during this process. Applicants respectfully submit that all of the

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claims presently standing in the application are patentably distinguished from the teachings of all references of record either taken alone or in any combination. Accordingly, reconsideration and allowance of this application is respectfully solicited.

The Commissioner is hereby authorized to debit any underpayment or credit any overpayment to the USPTO deposit account no. 16-0600 should any additional fees be necessary.

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Respectfully submitted



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